

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America)

v.)

WAYNE FINNEY)

Case No: 09-CR-101 (GLL)

USM No: 06601-068

Date of Previous Judgment: 06/16/2008)

MICHAEL J. NOVARA

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 168 months is reduced to TIME SERVED.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 32

Amended Offense Level: 26

Criminal History Category: IV

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Previous Guideline Range: 168 to 210 months

Amended Guideline Range: 92 to 115 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

Mr. Finney already has served a term of imprisonment in excess of the statutory mandatory minimum of 120 months as well as the newly applicable guideline range. Therefore, the reduced sentence of time served exceeds both the statutory mandatory minimum and the amended guideline range.

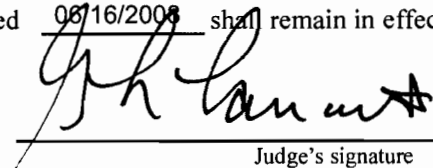
III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 06/16/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: 11/01/2011

Effective Date: 11/01/2011
(if different from order date)


Judge's signature

Gary L. Lancaster, Chief U.S. District Judge

Printed name and title